IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18929 of 2004

Between:

1 Lakireddy Bali Reddy Charitable Trust, rep. by its President.
2 Lakireddy Balireddy College of Engineering, rep. by its President,
S.Jamala Reddy, Velavadam, Mylavaram Mandal, Krishna District.

..... PETITIONER(S)

AND

1 The District Collector & Magistrate Krishna District at Machilipatnam.
2 The Mandal Revenue Officer, Mylavaram, Krishna District.
3 The Mandal Parishad Development Officer, Mylavaram Mandal,
Krishna District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction, more particularly one in the nature of Writ of Certiorari, calling for the records relating to the proceedings dt. 09.10.2004 of the 2nd respondent and quash the same as illegal and with out jurisdiction.

Counsel for the Petitioners: SMT.K.BINDU, Advocate.

Counsel for the Respondents: Govt. Pleader FOR REVENUE

The Court at the admission stage made the following :

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Oral Order:

Heard the learned Counsel for the petitioners and also learned Government Pleader for Revenue and at their request the writ petition itself is disposed of at the admission stage.

The 2nd petitioner--College approached the Collector for alienation of tank bed land in front of L.B. College of Engineering for development and beautification. The Collector in his proceedings dated 29-01-2002 decided to entrust the same to the petitioner—college. Accordingly, beautification work was entrusted to the 2nd petitioner—college and most of the development work was completed. At that stage, the 2nd respondent through his proceedings dated 18-09-2003 sent proposals to the 1st respondent for alienation of land admeasuring 7.19 cts. While so, suddenly petitioners were served with notice under Section 7 of the Land Encroachment Act, 1905 stating that they are in unauthorized occupation and show cause as to why they should not be evicted from the suit schedule property.

In view of the entitlement of land for beautification, the petitioners cannot be treated as encroachers. Hence, the impugned notice dated 09-10-2004 treating the petitioners as unauthorized occupants cannot be sustainable and the same is accordingly set aside. If the permission granted to the petitioners cannot be continued, respondents are at liberty to pass necessary orders.

The writ petition is accordingly allowed. No costs.

_____ A.GOPAL REDDY, J.

13-10-2004

Note: Operative Portion by wire

At party's cost.

(bo)

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector & Magistrate Krishna District at Machilipatnam.
2 The Mandal Revenue Officer, Mylavaram, Krishna District.
3 The Mandal Parishad Development Officer, Mylavaram Mandal, Krishna District.

4.Two CCs to the Govt. Pleader for Revenue, High Court

buildings, Hyderabad (OUT)

5.2 CD copies.